

Notice of Allowability

Application No.

10/030,714

Applicant(s)

FUJINO ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 5, 2005.
2. ☒ The allowed claim(s) is/are 5-7.
3. ☒ The drawings filed on 05 May 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jay M. Finkelstein, Reg. No. 21,082 on July 19, 2005. The applicant representative, Jay M. Finkelstein agreed to the following changes without prejudice.

In the claims:

In the claim 5, line 9, the words "potion" has been changed to - - portion - - ;

the phrase "fro" has bee changed to - - for - - ;

line 17, the phrase "sufficient for" has been changed to - - permitting - -.

In the claim 6, line 1, the phrase "claim 1" has been changed to - - claim 5 - -.

In the claim 7, lines 1-2, the phrase "claim 1 or 2" has been changed to - - claim5 - -.

Allowable Subject Matter

2. Claims 5-7 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reason for allowance:

None of the prior art of the record either singularly or in combination teaches or fairly suggests a "waterproof transceiver comprising: a PTT switch (3) formed to have a relatively large size for ensuring depression of said switch while wearing working gloves; a sound input/output portion (2) for inputting and outputting a sound including a bone conduction type speaker and a bone conduction type microphone each completely enclosed in a case; and a main body portion (4) for transmission and reception of a radio signal; wherein said PTT switch (3) and said sound input/output portion (2) are formed into independent units for said main body portion (4); means for transmitting and receiving a signal between said PTT switch (3) and said main body portion (4) as well as said sound input/output portion (2) and said main body portion (4) is provided; and said PTT switch (3) and said main body portion (4) as well as said sound input/output portion (2) and said main body portion (4) are connected by waterproof cables (5) having lengths permitting a user to fit each component to any position on his/her body." as disclosed in claim 5.

Cited reference Koji (Koji, Japanese Patent Publication No. 08-056174) teaches a transmitter-receiver having voice activated function with a microphone, speaker, and PTT switch. However, the reference does not expressly teach that "while wearing working gloves; a sound input/output portion (2) for inputting and

outputting a sound including a bone conduction type speaker and a bone conduction type microphone each completely enclosed in a case; and a main body portion (4) for transmission and reception of a radio signal; wherein said PTT switch (3) and said sound input/output portion (2) are formed into independent units for said main body portion (4); means for transmitting and receiving a signal between said PTT switch (3) and said main body portion (4) as well as said sound input/output portion (2) and said main body portion (4) is provided; and said PTT switch (3) and said main body portion (4) as well as said sound input/output portion (2) and said main body portion (4) are connected by waterproof cables (5) having lengths permitting a user to fit each component to any position on his/her body".

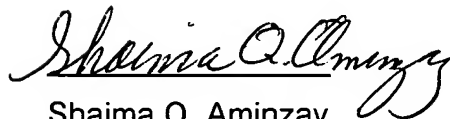
For these reasons, independent claim 5 is allowed. Claims 6-7 which depend from independent claim 5 are allowed under the same reasons set forth in claim 5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-276-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay
(Examiner)

July 20, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay Maung
(SPE)

Art Unit 2684